

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1433 OF 2015

Abdul Karim Munir Ahmed
Shaikh & Ors.

.. Petitioners

v/s.

Mrs. Hazara Navarang Rehmani & Anr.

..Respondents

Ms. Tahera Abdul Rashid Qureshi for the petitioners

Mr. S.Y. Shaikh for respondent no.1

Mrs. P.H. Kantharia, APP for the respondent State

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 16th APRIL, 2015.

P.C.

1. Heard. This Writ Petition is filed under Article 226 of the Constitution of India under the provisions of Section 482 of the Cr.P.C. for quashing the proceedings of the C.R. No. II-560 of 2013, pending on the file of learned Judicial Magistrate, First Class, Thane. The said case arises out of registration of FIR No.477 of 2012 with Mumbra Police Station, Thane at the instance of respondent no.1 for the offence punishable under Sections 420,

454, 457, 380, 467, 468, 471, 477(A) r/w 34 of the IPC. After completion of the investigation, charge-sheet came to be filed, which is numbered as C.C. No.447 of 2013, pending before the learned Judicial Magistrate, First Class, Thane.

2. During the pendency of the trial, parties have settled their dispute amicably and in pursuance of the said understanding, they have filed the present petition for quashing the proceedings of the said C.R., by consent. Respondent no.1 has filed an affidavit dated 6th April, 2015. In paragraph 5 she has given no objection for quashing and setting aside the Criminal Case No.447 of 2013. Respondent no.1 is personally present in the Court. On specific query made by us, she submitted that she has no objection for quashing the FIR and consequential criminal proceedings.

3. We are of the view that the dispute is of personal nature and the ratio in the case of *Narinder Singh Vs. State of Punjab (2014) AIR SCW 2065* would squarely apply to the facts of the

present case and as such there is no impediment in quashing the criminal complaint.

4. Accordingly, the Writ Petition is made absolute in terms of prayer clause (a), subject to petitioners to pay costs of Rs.10,000/- to Tata Memorial Cancer Hospital, Mumbai. Cost is condition precedent. Cost to be paid within a period of two weeks from the date of receipt of this order. If the cost is not deposited within the stipulated period, petition shall stand dismissed without any further reference to the Court.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)